



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 7, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair Sacks followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Lavelle, Thnay, McKillop, Bogue, Peixoto, Zermeño
CHAIRPERSON: Sacks
Absent: COMMISSIONER: None

Staff Members Present: Bauman, Conneely, Gaber, Patenaude, Rizk, Lens

General Public Present: Approximately 26

ELECTION OF OFFICERS

Chairperson Sacks called for election of officers. Commissioner Bogue made a motion and was unanimously approved to elect Commissioner Thnay as Chairperson, Commissioner McKillop as Vice Chair, and Commissioner Peixoto as Secretary.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

- I. **I. General Plan Amendment No. PL-2005-0157** – Request to Amend the General Plan Designations for Portions of the Site From Limited Open Space to Limited Medium Density Residential (8.7 to 12.0 Dwelling Units Per Net Acre) and to Open Space – Parks and Recreation
- II. **Zone Changes No. PL-2005-0158** - Request to Amend the Prezoning Designations for Portions of the Site from Agriculture (AB10A) to Planned Development (PD) and to Open Space/Parks and Recreation (OS) and Amend the Mission-Garin Area Special Design District (SD-5) provisions
- III. **Vesting Tentative Map No. PL-2005-0156 TTM 7620** – Request to Subdivide a 162-Acre Site to Create 179 Single-Family Lots and Related Streets on 29.4 Acres, a 30-Acre Neighborhood Park with Stormwater Detention Basins and Open Space and Trails on the Remaining 102 Acres

IV. Development Agreement No. PL-2005-0317 - Request for Approval of a Development Agreement in Association with the Proposed Development

V. Abandonment of a Portion of the Alquire Parkway Right-of Way

The DeSilva Group (Applicant) / The DeSilva Group, Dumbarton Quarry Associates, Howard M. Settle, Maxine F. Theobald, Andrew E. Garin and Richard S. & Annette P. Warren (Owners)

Staff report submitted by Senior Planner Rizk, dated July 7, 2005, was filed.

Senior Planner Rizk presented the staff report. He responded to questions from the Commissioners.

Commissioner Peixoto asked for more clarification in regards to the content of the development agreement. Senior Planner Rizk responded that it formalizes some of the conditions and obligations of the developer and stipulates timing of the development.

In reference to the proposed community center and park area, Commissioner Peixoto inquired if the homeowners association is going to take care of the maintenance and operational costs. Senior Planner Rizk responded that the community center is a public facility and that it is anticipated that HARD would take the responsibility.

As far as the maintenance of the park area, Deputy Director of Public Works Bauman responded that this responsibility would also be assumed by HARD. He added that they would also get funding assistance through a Landscape and Lighting District. (Bauman later clarified that the revised Condition No. 35 states that Landscape and Lighting District does not apply to funding community park facilities).

Commissioner Peixoto asked for clarifications on the report. Senior Planner Rizk responded to them.

Commissioner Sacks asked if lot 171 meets the guidelines for darker earth tones. Senior Planner Rizk responded that the color could be related to the reproduction of the simulation and offered to show the submitted color boards to give Commissioners a better appreciation of the colors. He added that the architectural plans identify the specific color schemes for each lot, which meet the guidelines.

In response to Commissioner Sacks' inquiry regarding one-story houses and restrictions for making them remain one as opposed to two-story houses, Senior Planner Rizk responded that a prohibition can be included in the homeowners association CC&R's.

Commissioner Sacks expressed concern for the grading and asked for clarification between 12% grade versus more than 12% grade. Senior Planner Rizk and Deputy Director of Public Works Bauman responded to the concern, indicating that staff and the Fire Department can accept the proposed grades, given the limited areas where they exist and because such grades would not exceed the standard 15%.



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Commissioner Zermeño, in reference to the landscaping of the water tower, inquired if the second water tower can be landscaped as well. In reference to construction techniques and devices utilized to carry water across the fault line, he inquired if those systems have been tested. Deputy Director of Public Works Bauman responded that there are methods that have been developed and have been used successfully. He mentioned that the City is installing this kind of facility in its lines to deal with the type of movement.

In response of Commissioner Zermeño's process of naming streets, Development Review Engineer Gaber responded that street names are proposed when the final map is submitted.

In reference to Commissioner McKillop's inquiry about the inclusionary housing, Senior Planner Rizk responded that the ordinance was adopted fairly recently and that some of the projects currently being processed are the first ones to which the ordinance is applicable.

Commissioner Lavelle thanked Senior Planner Rizk for a good report. She asked for clarification regarding the annexation process. Senior Planner Rizk responded that if the project is approved, the annexation application will need to be amended to reflect the proposed General Plan and rezoning designation amendments. He mentioned that finalizing a required tax sharing agreement with the County is not necessarily a complicated process, but it involves negotiations with the County. As far as the timing, he estimated that it could take several months.

In response to Commissioner Lavelle's comment on the number of owners and the limited partnership of this project, Senior Planner Rizk stated that The DeSilva Group is the applicant and that La Vista Limited Partnership will be formed later and that this entity will be the driving force and the entity obligated under the development agreement provisions.

Commissioner Zermeño, regarding a concern expressed by Lynn Shinn that the project would leave the end of Alquire Parkway in an undesirable condition, asked if her concern can be addressed and put in the conditions of approval. He also inquired about the reason for not considering providing ownership housing, such as condominiums or townhomes, as affordable units for this project. Senior Planner Rizk responded that there are different policies in the General Plan, some of which include providing affordable housing. He expressed the challenge involved in providing for low or very low affordable housing.

Commissioner Bogue inquired for clarification on the water system, Condition No. 67. In reference to utilities and meeting requirements, he suggested that Comcast be listed every time SBC or PG&E are listed.

Commissioner Thnay inquired if a geologic hazard abatement district (GHAD) will be formed before the sale of homes and also asked for estimated assessment amounts. It was noted by Senior Planner Rizk and Deputy Director of Public Works Bauman that the formation of a GHAD and the amount will be required before the final map and the sale of the homes.

In response to Commissioner Sacks' earlier comments about the color of lot 171, Principal Planner Patenaude mentioned that there would be an opportunity with the precise plan to review the colors for each lot. Regarding the "one-story" houses, he noted that they have the appearance of single-story homes; however, they are two stories. He added that these homes have bedrooms on the first floor and only one bedroom in the second floor.

Chair Thnay opened the public hearing at 8:30 p.m.

The applicant and The DeSilva Group's Project Manager, Mr. Jay Egy, thanked staff and specifically Mr. Rizk for the work done. Mr. Egy concurred with the staff report and addressed concerns made by the Commissioners. He also noted that they are willing to donate 30 acres of land for a new community park, contribute over \$2 million towards its development and also contribute an additional \$1.5 million toward the construction of a new community center, regardless of its location.

Commissioner Zermeño indicated his support for Eden Housing and thanked the applicant for working with Eden Housing. In regards to street names, he suggested to keep in mind those people that have contributed to Hayward.

Commissioner Sacks commended the applicant and staff for putting together an incredible package. She spoke about the importance of the GHAD formation.

Jill Holmes, on behalf of Teresa Silva who lives at 878 Overhill Drive, expressed that Ms. Silva and eight other neighbors live very close to the proposed development and is concerned with the negatives associated with construction of the project: noise, dust, public proximity, lack of privacy, and other issues. Ms. Holmes indicated that Ms. Silva asked that their concerns be addressed.

Ms. Lynn Shinn, who resides at the eastern end of Alquire Parkway, showed pictures and expressed concern regarding the ramification of roadway abandonment, the issue of reverting back to owners, and maintenance of the landscape. Deputy Director Bauman responded to her concerns. Senior Planner Rizk added that attachment H shows the proposed abandonment area and that Condition No. 23 and a preliminary conceptual plan provided by the developer address the concerns expressed.

Ms. Evelyn Cormier spoke in favor of the development but expressed concerns about the hill and dirt slides, domestic pets and provisions considered for protecting the residents and Garin Regional Park from the critters. She suggested the City put the community center in the park that is planned for the development. Senior Planner Rizk indicated that the GHAD would address some of the issues and that there will be a large slope extending several hundred feet that will separate the Garin Regional Park boundary from the homes.

Ms. Mimi Bauer expressed an idea to have a dog park. She spoke on behalf of Al Mendall and relayed his concern to have dark earth colors for this project. Additionally, she spoke in support of Eden Housing. Lastly, she spoke against having the community center and community park on Mission Boulevard.



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Ms. Linda Chavez, representing East Bay Regional Park District, submitted a letter commenting on the geology and need for the GHAD to address issues along the Garin Regional Park boundary and also related to the visibility of the proposed second water tank.

Mr. Sam Tavake expressed concern for the neighbors near the proposed development and nuisances such as dirt, dust, and asbestos. He asked for consideration for residents that live near the proposed development.

Chair Thnay closed the public hearing at 9: 08 p.m.

Commissioner Peixoto asked if the East Bay Regional Park District has been involved with the City in regards to this development. Senior Planner Rizk responded that the City has informed them about meetings and public hearings but there have not been one-on-one discussions, to his knowledge.

Commissioner Peixoto asked if the vote this evening would preclude further consideration of the location of the community center. Senior Planner Rizk responded that the issue can be addressed at later meetings.

Commissioner Zermefio requested safe guards and assurances for the neighbors that have spoken at the meeting. Senior Planner Rizk responded that the concerns expressed are already incorporated in the conditions of approval and mitigation issues.

Commissioner Zermefio moved to recommend approval of the project and added that a condition regarding landscape at existing water tank be included. He commended staff and developers for an excellent presentation.

Commissioner Bogue seconded the motion. He expressed concern with the affordable housing component being far away from the site.

Commissioner Sacks supported the motion and concurred with Commissioner Bogue's comment about the location of affordable housing and expressed concern for lack of transportation in the proposed area. She spoke in favor of working with Eden Housing. In addition, she concurred with Ms. Bauer for the need of a community center in South Hayward and mentioned that it is too early to speak on the location. Lastly, in reference to Mr. Tavake's concern, she stated that asbestos is a serious issue that is addressed in the report.

Commissioner McKillop supported the motion and added a friendly amendment to modify Condition 111 (e) to include notification to all property owners on Overhill Drive and adjacent streets that may be outside the 200 feet boundary.

Commissioner Lavelle supported the motion. She informed residents that the City has a website with detailed information about items presented before the Commission. She expressed

appreciation for the money donated to build the community center and park area; however, she showed concern for the maintenance component and HARD's financial liability.

Commissioner Thnay supported the motion and commended staff and the developer for the information presented in the report.

Commissioner Zermefio moved, seconded by Commissioner Bogue, and unanimously approved, to recommend that the City Council adopt the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program; approve the General Plan Amendment, Zone Changes, Vesting Tentative Tract Map and Development Agreement; and determined that the right-of-way abandonment would be consistent with the General Plan, subject to the amended findings and conditions of approval; and including a condition regarding landscape at existing water tank, with a friendly amendment to modify Condition 111 (e) to include notification to all property owners on Overhill Drive and adjacent streets that may be outside the 200 feet boundary.

2. Text Amendment Application No. PL-2004-0632 – Joseph Bradford for The Olson Company (Applicant) – Request to Amend the Parking Ordinance to Allow Tandem Parking for Multi-Family Residences Citywide

Continued to a Work Session on July 14, 2005. Principal Planner Patenaude mentioned that the actual hearing will be continued to September.

ADDITIONAL MATTERS

3. Oral Reports on Planning and Zoning Matters

No items.

4. Commissioners' Announcements, Referrals

Commissioner Zermefio thanked Commissioner Sacks for serving as a Chair for the past year. He also requested that the minutes show that he supports Ms. Bauer's idea to have a dog park.

Commissioner Bogue mentioned that at Renaissance Walk he was startled by the location of the mailboxes. He also reported that the mailboxes have been relocated to the interior alley, which shows an improvement.

Commissioner Peixoto, in regards to the discussion of view lots, asked for the proper process to address the issue of views in developments. Principal Planner Patenaude responded that an ordinance is something that can be suggested for the work schedule of next year and that availability of resources and priorities with other items can also be taken into consideration. There was discussion about the issue of views with this report.

APPROVAL OF MINUTES

Minutes of June 9, 2005



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ADJOURNMENT

Chair Thnay read a reflection by Martin Luther King and gave the opportunity to Commissioner Bogue to adjourn at 9:40 p.m. in memory of Al Reynolds, who was a resident of the Eden Gardens Neighborhood, Neighborhood Task Force Member, and Member of the 880/92 Advisory Committee. He was known for his involvement with the local radio and the railway service. He will be missed.

APPROVED:

Marvin Peixoto, Secretary
Planning Commission

ATTEST:

Miriam Lens
Commission Secretary